

Summons in a Civil Action (Rev 11/97)

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

GREG SPAK, Trustee of the Cherry Blossom Revocable Inter Vivos Trust, and A.E. MOTORCYCLE TECH, INC., a California corporation, assignee of Leslie Gladstone, Chapter 7 Trustee of the Bankruptcy Estate of Barrie Morine Logan,

vs

Plaintiffs,

COMERICA, INC., a Delaware corporation; MILLER, MONSON, PESHEL, POLACEK & HOSHAW, a partnership of professional law corporations

Defendants

SUMMONS IN A CIVIL ACTION

Case No.

08 CV 1482 DMS POR

TO: (Name and Address of Defendant)

COMERICA, INC.
333 West Santa Clara Street
San Jose, CA 95113

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Gregory Grantham, Esq. # 125732
13902 Gershon Place
Santa Ana, California 92705
Tel (714) 544-1276
Fax (714) 544-2307

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

AUG 14 2008

W. Samuel Hamrick, Jr.

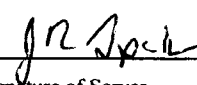
CLERK

DATE

By K. HAMMERLY, Deputy Clerk

Summons in a Civil Action

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RETURN OF SERVICE				
Service of the Summons and Complaint was made by me			DATE 08/19/2008 11:30 a.m.	
NAME OF SERVER J. R. SPAK			TITLE Process Server	
Check one box below to indicate appropriate method of service				
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="width: 35%; text-align: right;"> 333 West Santa Clara Street San Jose, CA 95113 </div> </div> <div style="margin-top: 20px;"> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein: </div> <div style="margin-top: 20px;"> Name of person with whom the summons and complaint were left: _____ </div> <div style="margin-top: 20px;"> Return unexecuted: </div> <div style="margin-top: 20px;"> Other (specify): Left copies with Timothy Quan, Customer Service Manager, Comerica Bank </div>				
STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL \$55.00	
DECLARATION OF SERVER				
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.				
Executed on: August 19, 2008		 _____ Signature of Server		
Date		106 Cherry Blossom Drive, San Jose, CA 95123 _____ Address of Server		
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE				
IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u>				
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.				
JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.				

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure